

David J. Richardson (SBN 168592)  
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**BAKER & HOSTETLER LLP**  
1900 Avenue of the Stars, Suite 2700,  
Los Angeles, CA 90067  
Telephone: 310.820.8800  
Facsimile: 310.820.8859

Attorneys for Plaintiff  
SENSORYEFFECTS CEREAL SYSTEMS, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

SENSORYEFFECTS CEREAL SYSTEMS,  
INC., a Delaware Corporation,

Plaintiff,

v.

CAER, INC. dba YUMI, a Delaware  
Corporation, and DOES 1-20,

Defendants.

Case No.: 24STCV10282

Assigned for All Purposes to the Honorable  
James C. Chalfant, Dept. 85

**PLAINTIFF'S NOTICE OF ERRATA RE:  
(1) APPLICATION FOR RIGHT TO  
ATTACH ORDER & ORDER FOR  
ISSUANCE OF WRIT OF ATTACHMENT;  
AND (2) AMENDED DECLARATION OF  
MARIA DAKE IN SUPPORT OF  
PLAINTIFF'S MOTION FOR RIGHT TO  
ATTACH ORDER AND ISSUANCE OF  
WRIT OF ATTACHMENT**

Date: June 11, 2024  
Time: 9:30 a.m.  
Dept.: 85

1 TO THE HONORABLE COURT, THE PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff SensoryEffects Cereal Systems, Inc. ("Plaintiff"), by and through its counsel of  
3 record, respectfully submits this *Notice of Errata* to correct errors made in (1) Plaintiff's  
4 Application for Right to Attach Order and Order for Issuance of Writ of Attachment (the  
5 "Application"); and (2) Declaration of Maria Dake in Support of Plaintiff's Motion for Right to  
6 Attach Order and Order for Issuance of Writ of Attachment (the "Declaration"). Plaintiff's former  
7 counsel filed the aforementioned documents before Plaintiff's final review or signature thereof. As  
8 a result, the signatures on the Application and Declaration are improper and the second sentence in  
9 Paragraph 7 of the Declaration should be removed—the substance of the Application and the  
10 remainder of the Declaration all remain the same. Plaintiff was not made aware that the Application  
11 and Declaration were filed until May 21, 2024; immediately after learning of the filing, Plaintiff  
12 took action by engaging its current counsel of record, Baker & Hostetler LLP, and filing the present  
13 Notice of Errata to replace the improper signatures and correct the statement in the Declaration.

14 The corrected version of the Application is attached hereto as **Exhibit A**; the corrected  
15 Amended Declaration is attached hereto as **Exhibit B**; and a redline comparison of the original  
16 Declaration and Amended Declaration is attached hereto as **Exhibit C**.

17  
18 Dated: May 24, 2024

**BAKER & HOSTETLER LLP**

19  
20 By: 

21 David J. Richardson  
22 Nicole C. Cemo  
23 Michael Patrick Brown

24 Attorneys for Plaintiff  
25 SENSORYEFFECTS CEREAL  
26 SYSTEMS, INC.  
27  
28

# EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>David J. Richardson (SBN 168592); Nicole C. Cemo (SBN 307848);</b> <b>Baker &amp; Hostetler LLP</b> <b>1900 Avenue of the Stars, Suite 2700, Los Angeles, CA 90067</b> TELEPHONE NO.: <b>310.820.8800</b> FAX NO. (Optional): <b>310.820.8859</b> E-MAIL ADDRESS (Optional): <b>drichardson@bakerlaw.com; ncemo@bakerlaw.co</b> ATTORNEY FOR (Name): <b>SensoryEffects Cereal Systems, Inc.</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: <b>111 N. Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
PLAINTIFF: <b>SensoryEffects Cereal Systems, Inc.</b> DEFENDANT: <b>Caer, Inc. d/b/a Yumi</b>	
<b>APPLICATION FOR</b> <input checked="" type="checkbox"/> <b>RIGHT TO ATTACH ORDER</b> <input type="checkbox"/> <b>TEMPORARY PROTECTIVE ORDER</b> <input checked="" type="checkbox"/> <b>ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT</b> <input type="checkbox"/> <b>ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT</b> <input checked="" type="checkbox"/> <b>After Hearing</b> <input type="checkbox"/> <b>Ex Parte</b> <input type="checkbox"/> <b>Against Property of Nonresident</b>	CASE NUMBER: <b>24STCV10282</b>

1. Plaintiff (name): **SensoryEffects Cereal Systems, Inc.**

- applies ☒ after hearing ☐ ex parte for
- a. ☒ a right to attach order and writ of attachment.
  - b. ☐ an additional writ of attachment.
  - c. ☐ a temporary protective order.
  - d. ☐ an order directing the defendant to transfer to the levying officer possession of
    - (1) ☐ property in defendant's possession.
    - (2) ☐ documentary evidence in defendant's possession of title to property.
    - (3) ☐ documentary evidence in defendant's possession of debt owed to defendant.

2. Defendant (name): **Caer, Inc. d/b/a Yumi**

- a. ☐ is a natural person who
  - (1) ☐ resides in California.
  - (2) ☐ does not reside in California.
- b. ☒ is a corporation
  - (1) ☒ qualified to do business in California.
  - (2) ☐ not qualified to do business in California.
- c. ☐ is a California partnership or other unincorporated association.
- d. ☐ is a foreign partnership that
  - (1) ☐ has filed a designation under Corporations Code section 15800.
  - (2) ☐ has not filed a designation under Corporations Code section 15800.
- e. ☐ is other (specify):

3. Attachment is sought to secure recovery on a claim upon which attachment may issue under (check one):

- ☒ Code of Civil Procedure section 483.010    ☐ Welfare and Institutions Code section 15657.01.

4. Attachment is not sought for a purpose other than the recovery on a claim upon which the attachment is based.

5. Plaintiff has no information or belief that the claim is discharged or the prosecution of the action is stayed in a proceeding under title 11 of the United States Code (Bankruptcy).

SHORT TITLE

SensoryEffects Cereal Systems, Inc. v. Caer, Inc. d/b/a Yumi

CASE NUMBER:

24STCV10282

6. a. ☐ Plaintiff's claim or claims arise out of conduct by the defendant who is a natural person of a trade, business, or profession. The claim or claims are not based on the sale or lease of property, a license to use property, the furnishing of services, or the loan of money where any of the foregoing was used by the defendant primarily for personal, family, or household purposes.
- b. ☐ Plaintiff's claim or claims arise out of conduct of a natural person who or an entity that has taken, secreted, appropriated, obtained or retained, or assisted in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use, with intent to defraud, or by using undue influence.
7. The facts showing plaintiff is entitled to a judgment on the claim up on which the attachment is based are set forth with particularity in the
- a. ☒ verified complaint.
- b. ☒ attached affidavit or declaration.
- c. ☐ following facts (*specify*):
8. The amount to be secured by the attachment is: \$ 205,557.03
- a. ☒ which includes estimated costs of: \$ 896.23
- b. ☒ which includes estimated allowable attorney fees of: \$ 9,890.00
9. Plaintiff is informed and believes that the following property sought to be attached for which a method of levy is provided is subject to attachment:
- a. ☒ Any property of a defendant who is **not** a natural person.
- b. ☐ Any property of a nonresident defendant.
- c. ☐ Property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010 (*specify*):
- d. ☐ Property covered by a bulk sales notice with respect to a bulk transfer by defendant on the proceeds of the sale of such property (*describe*):
- e. ☐ Plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold (*specify license number*):
10. Plaintiff is informed and believes that the property sought to be attached is not exempt from attachment.
11. ☐ The court issued a Right to Attach Order on (*date*):  
(*Attach a copy.*)
12. ☐ Nonresident defendant has not filed a general appearance.

SHORT TITLE:

CASE NUMBER:

—SensoryEffects Cereal Systems, Inc. v. Caer, Inc. d/b/a Yumi

24STCV10282

13. a. Plaintiff ☐ alleges on ex parte application for order for writ of attachment  
☐ is informed and believes on application for temporary protective order  
that plaintiff will suffer great or irreparable injury if the order is not issued before the matter can be heard on notice because
- (1) ☐ it may be inferred that there is a danger that the property sought to be attached will be
- (a) ☐ concealed.
- (b) ☐ substantially impaired in value.
- (c) ☐ made unavailable to levy by other than concealment or impairment in value.
- (2) ☐ defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010(b)(2).
- (3) ☐ a bulk sales notice was recorded and published pursuant to division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
- (4) ☐ an escrow has been opened under the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant.
- (5) ☐ other circumstances (*specify*):

- b. The statements in item 13a are established by ☐ the attached affidavit or declaration  
☐ the following facts (*specify*):

14. ☐ Plaintiff requests the following relief by temporary protective order (*specify*):

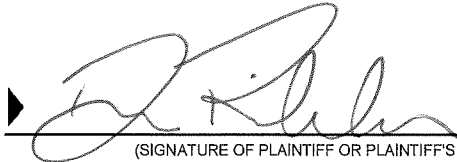
## 15. Plaintiff

- a. ☐ has filed an undertaking in the amount of: \$  
b. ☒ has not filed an undertaking.

Date: May 24, 2024

David J. Richardson

(TYPE OR PRINT NAME OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)


  
(SIGNATURE OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

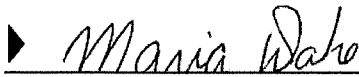
## DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 24, 2024

Maria Dake

(TYPE OR PRINT NAME)


  
(SIGNATURE OF DECLARANT)

16. Number of pages attached: \_\_\_\_\_

# EXHIBIT B

David J. Richardson (SBN 168592)  
*drichardson@bakerlaw.com*  
Nicole C. Cemo (SBN 307848)  
*ncemo@bakerlaw.com*  
Michael Patrick Brown (SBN 328579)  
*mpbrown@bakerlaw.com*  
**BAKER & HOSTETLER LLP**  
11601 Wilshire Boulevard, Suite 1400  
Los Angeles, CA 90025  
Telephone: 310.820.8800  
Facsimile: 310.820.8859

Attorneys for Plaintiff  
SensoryEffects Cereal Systems, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

SENSORYEFFECTS CEREAL SYSTEMS,  
INC., a Delaware Corporation,

Plaintiff,

v.

CAER, INC. dba YUMI, a Delaware  
Corporation, and DOES 1-20;

Defendant,

Case No.: 24STCV10282

**AMENDED DECLARATION OF MARIA  
DAKE IN SUPPORT OF PLAINTIFF'S  
MOTION FOR RIGHT TO ATTACH  
ORDER AND ISSUANCE OF WRIT OF  
ATTACHMENT**

Hearing

Date: June 11, 2024  
Time: 9:30 a.m.  
Dept.: 85  
Judge: Hon. James C. Chalfant



1 I, MARIA DAKE, declare as follows:

2 1. I am the Senior Business Director with SensoryEffects Cereal Systems, Inc. and am  
3 authorized to make this declaration for and on SensoryEffects Cereal Systems, Inc.'s behalf. I have  
4 personal knowledge of the matters stated herein and if called as a witness, I could and would  
5 competently testify thereto.

6 2. In my professional capacity as the Senior Business Director with SensoryEffects  
7 Cereal Systems, Inc. ("SENSORYEFFECTS"), I have access to, custody and control over  
8 SENSORYEFFECTS' business records pertaining to its transactions with Caer, Inc. dba Yumi  
9 ("YUMI"). I am familiar with the method by which SENSORYEFFECTS maintains those books  
10 and records, and know that those records were made in the regular course of SENSORYEFFECTS'  
11 business from writings or data entries made at or near the time the events recorded by persons with  
12 personal knowledge of the vents and with a business duty to SENSORYEFFECTS to accurately  
13 record those events. Thus, the statements made in this Declaration are made upon my personal  
14 knowledge and review of SENSORYEFFECTS' business records pertaining to transactions  
15 between SENSORYEFFECTS and YUMI.

16 3. On or around February 14, 2023, YUMI placed a purchase order with  
17 SENSORYEFFECTS for 20,000 pounds of strawberry basil rice-free puffs, 20,000 pounds of apple  
18 and broccoli rice-free puffs, and 10,000 pounds of berry and sweet pea rice-free puffs.  
19 SENSORYEFFECTS accepted YUMI's purchase order. Attached hereto as **Exhibit A** is a true and  
20 correct copy of YUMI's February 14, 2023 purchase order.

21 4. On or around July 27, 2023, YUMI submitted a revised purchase order whereby  
22 YUMI requested production of 10,800 pounds of each flavor of rice-free puffs (strawberry basil;  
23 apple and broccoli; and berry and sweet pea). YUMI further requested the extra 10,000 pounds of  
24 the strawberry basil and apple broccoli flavors included in the original February 14, 2023 purchase  
25 order be manufactured approximately eight (8) weeks later. Attached hereto as **Exhibit B** is a true  
26 and correct copy of YUMI's revised purchase order.

27 5. On or around September 5, 2023, SENSORYEFFECTS shipped 10,460 pounds of  
28 organic strawberry basil rice-free puffs per YUMI's request and shipping instructions. The same

1 day, SENSORYEFFECTS issued invoice number 5170 to YUMI in the amount of \$103,972.40 for  
2 the strawberry basil rice-free puffs manufactured and shipped. Per the terms of the invoice number  
3 5170, YUMI was to remit payment on or before October 5, 2023. However, to date, YUMI has  
4 failed to make any effort to pay invoice number 5170. Attached hereto as **Exhibit C** is a true and  
5 correct copy of invoice number 5170.

6 6. On or around September 6, 2023, SENSORYEFFECTS shipped 10,720 pounds of  
7 organic apple and broccoli rice-free puffs per YUMI's request and shipping instructions. The same  
8 day, SENSORYEFFECTS issued invoice number 5173 to YUMI in the amount of \$90,798.40 for  
9 the apple and broccoli rice-free puffs manufactured and shipped. Per the terms of invoice 5173,  
10 YUMI was to remit payment on or before October 6, 2023. However, to date, YUMI has failed to  
11 make any effort to pay invoice number 5173. Attached hereto as **Exhibit D** is a true and correct  
12 copy of invoice number 5173.

13 7. When YUMI failed to timely pay invoice numbers 5170 and 5173 as requested in  
14 each respective invoice, SENSORYEFFECTS sent via e-mail requests for YUMI to bring their  
15 account current by paying the outstanding amounts owed on invoice numbers 5170 and 5173.  
16 Attached hereto as **Exhibit E** is a true and correct copy of the e-mail chain between YUMI and  
17 SENSORYEFFECTS.

18 8. Thereafter, SENSORYEFFECTS sent a formal demand letter on March 1, 2024  
19 demanding YUMI to pay the outstanding invoices in full, which total \$194,770.80, no later than  
20 March 6, 2024. Attached hereto as **Exhibit F** is a true and correct copy of the March 1, 2024  
21 demand letter.

22 9. On March 12, 2024, YUMI sent an e-mail acknowledging receipt of the March 1,  
23 2024 demand letter. Additionally, YUMI acknowledged it owed SENSORYEFFECTS the  
24 demanded amount and did not contest the demanded amount. See, Exhibit D.

25 10. After the March 12, 2024 e-mail, I am informed and believe YUMI did not send any  
26 further correspondence to SENSORYEFFECTS regarding the amount owed. Furthermore, YUMI  
27 has failed to pay any portion of the amount owed to SENSORYEFFECTS.  
28

1 11. YUMI's obligations under invoice numbers 5170 and 5173 are not secured by any  
2 interest in real property.

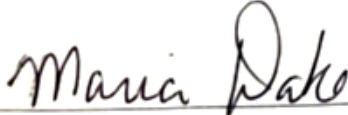
3 12. I am informed and believe that YUMI has proceeds of a JPMorgan Chase bank  
4 account subject to attachment or levy.

5 13. YUMI's debt obligation to SENSORYEFFECTS for the two unpaid invoices in the  
6 amount of \$194,770.80 was expressly acknowledged by YUMI and, to my knowledge, has never  
7 been subsequently been disputed, whether orally or in writing.

8 14. I am not aware of any bankruptcy claims filed by YUMI.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing  
10 is true and correct.

11 Executed on May 24, 2024 at Monroe County, Illinois.

12  
13   
14 MARIA DAKE

BAKER & HOSTETLER LLP  
ATTORNEYS AT LAW  
LOS ANGELES

# EXHIBIT A

## Purchase Order



Caer, Inc. dba YUMI

8070 Melrose Avenue  
Los Angeles, CA 90046  
accounting@helloyumi.com

Date  
PO #

2/14/2023  
PO1721

### Vendor

Balchem Ingredient Solutions  
136 Fox Run Drive  
Defiance OH 43512  
United States

### Ship To

Create A Pack Foods Inc.  
United States

Contact Email	Contact Phone	Vendor Reference #	Created By			Estimated Delivery	
			1034 Courtney Cuff			4/19/2023	
Terms		Memo		Ship Via		Freight Terms	
Net 30		All products are revised RFI formulas					
Item Number	Description	Location	Expected Delivery	Qty	UOM	Rate	Amount
32250100	Yumi Organic Puffs Bulk - Strawberry Basil	Create A Pack Foods ...	5/19/2023	20,000	Lb	8.34	166,800.00
32250101	Yumi Organic Puffs Bulk - Apple & Broccoli	Create A Pack Foods ...	5/19/2023	20,000	Lb	7.05	141,000.00
32250102	Yumi Organic Puffs Bulk - Berry & Sweet Pea	Create A Pack Foods ...	5/19/2023	10,000	Lb	8.47	84,700.00

**Total** \$392,500.00

# EXHIBIT B

## Purchase Order



Caer, Inc. dba YUMI

8070 Melrose Avenue  
Los Angeles, CA 90046  
accounting@helloyumi.com

Date  
PO #

2/14/2023  
PO1721

### Vendor

Balchem Ingredient Solutions  
136 Fox Run Drive  
Defiance OH 43512  
United States

### Ship To

Create A Pack Foods Inc.  
United States

Contact Email	Contact Phone	Vendor Reference #	Created By			Estimated Delivery	
			1034 Courtney Cuff			8/31/2023	
Terms		Memo		Ship Via		Freight Terms	
Net 30		All products are revised RFI formulas					
Item Number	Description	Location	Expected Delivery	Qty	UOM	Rate	Amount
32250100	Yumi Organic Puffs Bulk - Strawberry Basil	Create A Pack Foods ...	8/31/2023	10,800	Lb	9.94	107,352.00
32250101	Yumi Organic Puffs Bulk - Apple & Broccoli	Create A Pack Foods ...	8/31/2023	10,800	Lb	8.47	91,476.00
32250102	Yumi Organic Puffs Bulk - Berry & Sweet Pea	Create A Pack Foods ...	8/31/2023	10,800	Lb	8.47	91,476.00

**Total** \$290,304.00

# EXHIBIT C



<b>Date</b>	<b>Invoice #</b>
05-Sep-2023	INV0005170
<b>Due Date</b>	<b>Order #</b>
05-Oct-2023	S500005524

136 Fox Run Drive  
 Defiance, OH 43512 USA  
 Phone: 419-782-5010

**Remit to Lockbox:**  
 SensoryEffects Cereal Systems  
 PO Box 21813  
 New York, NY 10087-1813 USA

**Wire / ACH instructions**  
 JPMorgan Chase Bank N.A.  
 ABA: 021000021/021000021  
 Account: SensoryEffects Cereal Systems  
**Redacted**  
 SWIFT #: CHASUS33

**SOLD TO**  
 Caer, Inc DBA Yumi  
 1439 N. Highland Ave PMB 1013  
 Los Angeles, CA 90028 USA

**SHIP TO**  
 Create A Pack  
 N57 W39605 WI-16  
 Door E  
 Oconomowoc, WI 53066 USA

Telephone:

<b>P.O.</b>	<b>Order date</b>	<b>Date shipped</b>	
1721-2	22-Aug-2023	05-Sep-2023	
<b>Payment terms</b>	<b>Customer no.</b>	<b>Incoterms/Delivery Terms</b>	
Net 30 Days	C500000045	EXW COL	
<b>Sales person</b>	<b>Packing slip #</b>	<b>Carrier</b>	<b>Ship from</b>
Mary Snyder	PPS0005785	Cust Truck	Lincoln, NE, USA

Units	Package	Item Number Product Description Customer Stock Code	Quantity Ordered	Quantity Shipped	Unit Price		Amount
10,460.00	lb	80943F Yumi Organic Rice-Free Puffs Strawberry Basil	10,460.00	10,460.00	9.9400		103,972.40

**Charges**

Description	Notes	Amount
<b>Total Charges</b>		
	<b>USD</b>	<b>0.00</b>
<b>Total Invoice Amount</b>	<b>USD</b>	<b>103,972.40</b>

**NOTES:**

# EXHIBIT D

<b>Date</b>	<b>Invoice #</b>
06-Sep-2023	INV0005173
<b>Due Date</b>	<b>Order #</b>
06-Oct-2023	S500005554

136 Fox Run Drive  
 Defiance, OH 43512 USA  
 Phone: 419-782-5010

**Remit to Lockbox:**  
 SensoryEffects Cereal Systems  
 PO Box 21813  
 New York, NY 10087-1813 USA

**Wire / ACH instructions**  
 JPMorgan Chase Bank N.A.  
 ABA: 021000021/021000021  
 Account: SensoryEffects Cereal Systems  
**Redacted**  
 SWIFT #: CHASUS33

**SOLD TO**  
 Caer, Inc DBA Yumi  
 1439 N. Highland Ave PMB 1013  
 Los Angeles, CA 90028 USA

**SHIP TO**  
 Create A Pack  
 N57 W39605 WI-16  
 Door E  
 Oconomowoc, WI 53066 USA

Telephone:

<b>P.O.</b>	<b>Order date</b>	<b>Date shipped</b>	
1721-3	31-Aug-2023	06-Sep-2023	
<b>Payment terms</b>	<b>Customer no.</b>	<b>Incoterms/Delivery Terms</b>	
Net 30 Days	C500000045	EXW COL	
<b>Sales person</b>	<b>Packing slip #</b>	<b>Carrier</b>	<b>Ship from</b>
Mary Snyder	PPS0005787	Cust Truck	Lincoln, NE, USA

Units	Package	Item Number Product Description Customer Stock Code	Quantity Ordered	Quantity Shipped	Unit Price		Amount
10,720.00	lb	80945F Yumi Organic Rice-Free Puffs Apple & Broccoli	10,720.00	10,720.00	8.4700		90,798.40

**Charges**

Description	Notes	Amount
<b>Total Charges</b>		
	<b>USD</b>	<b>0.00</b>
<b>Total Invoice Amount</b>	<b>USD</b>	<b>90,798.40</b>

**NOTES:**

# EXHIBIT E

## Willis, Annie

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**From:** Ria Dake <rdake@balchem.com>  
**Sent:** Wednesday, March 13, 2024 6:59 AM  
**To:** Michael Pacyna; Theresa Boothe  
**Cc:** Travis Larsen; Ann Rivers; Mary Snyder  
**Subject:** RE: [External] Re: FW: Past Due Account

Michael,

Thanks for reaching out. I'll schedule a call with you for next Thursday to discuss status of payment.



**Ria Dake**  
Sr. Business Director  
Human Nutrition & Health

o. 314.888.6977

Redacted

13723 Riverport Drive Suite 201  
Maryland Heights, MO 62043

---

**From:** Michael Pacyna <michael@helloyumi.com>  
**Sent:** Tuesday, March 12, 2024 10:34 PM  
**To:** Theresa Boothe <tboothe@balchem.com>  
**Cc:** Travis Larsen <tlarsen@balchem.com>; Ria Dake <rdake@balchem.com>; Ann Rivers <ARivers@balchem.com>; Mary Snyder <msnyder@balchem.com>  
**Subject:** [External] Re: FW: Past Due Account

**CAUTION:** This email originated from outside of Balchem. DO NOT click any links or open any attachments unless you recognize the sender and know the content is safe.

Hi Theresa -

My apologies for the slow reply. We've been working through some complicated things here at Yumi, and I was holding in hopes that I'd be able to reconnect with solid information on how we are working toward this payment.

To be honest, I will likely need another week or so before we can address this, but I wanted to assure you that your attempts to connect are not being ignored.

I will be back in touch next week.

Thank you for your patience.

Best Regards,

Michael

On Fri, Mar 1, 2024 at 2:19 PM Theresa Boothe <[tboothe@balchem.com](mailto:tboothe@balchem.com)> wrote:

Hello Michael, Jessica, Jason and Lina,

Please see attached letter requesting an immediate response for your past due balance. It is imperative that we hear back from you or we will move forward with legal action.

Thank-you,

Theresa



**Theresa Boothe, Ph.D.**  
Commercial and Technical Director

Cereal Systems  
o. 402-470-5133

Redacted

4343 NW 38<sup>th</sup> St.

Lincoln, NE 68524

---

**From:** Theresa Boothe <[tboothe@balchem.com](mailto:tboothe@balchem.com)>

**Sent:** Monday, February 12, 2024 9:24 AM

**To:** [michael@helloyumi.com](mailto:michael@helloyumi.com)

**Cc:** Mary Snyder <[msnyder@balchem.com](mailto:msnyder@balchem.com)>; Ann Rivers <[ARivers@BALCHEM.COM](mailto:ARivers@BALCHEM.COM)>; Ria Dake <[rdake@balchem.com](mailto:rdake@balchem.com)>

**Subject:** Past Due Account

Hello Michael,

Hope all is well with you!

Wanted to follow up on the past due on your account with the Balchem Lincoln site—attached are the invoices for the Strawberry Basil and Apple & Broccoli Puffs. The wire/ACH information is on the invoice if you prefer to direct pay. Please let me know if you need any other information.

Thanks so much—

Theresa



**Theresa Boothe, Ph.D.**

Commercial and Technical Director

Cereal Systems

o. 402-470-5133

Redacted

4343 NW 38<sup>th</sup> St.

Lincoln, NE 68524

--

Michael Pacyna  
Chief Operating Officer  
YUM!  
323.788.3519

# EXHIBIT F





Human Nutrition &amp; Health | Animal Nutrition &amp; Health | Specialty Products

March 1, 2024

Caer, Inc DBA Yumi  
1439 N. Highland Ave PMB 1013  
Los Angeles, CA 90028 USA

Caer, Inc DBA Yumi  
218 NW 24<sup>th</sup> St  
Miami, FL 33127

*Also sent via email:*

[michael@helloyumi.com](mailto:michael@helloyumi.com)

[jessica@helloyumi.com](mailto:jessica@helloyumi.com)

[jason@helloyumi.com](mailto:jason@helloyumi.com)

[linapruitt@helloyumi.com](mailto:linapruitt@helloyumi.com)

**RE: DEMAND FOR PAYMENT**

To Whom It May Concern,

Your account is now seriously delinquent. Please contact our office immediately to pay your account in full.

Attached are the invoices that are past due in the amount of **\$194,770.80**. Additionally, we have ordered and paid for discrete raw materials on your account in the amount of **\$132,275.36**. This brings the total amount owed to **\$327,046.16**.

To avoid further collection, make payment immediately or contact me to make suitable payment arrangements.

If we do not receive a response from you in five (5) days from the date of this letter, we will avail ourselves of the most appropriate recourse, including formal legal action against you.

Thank you in advance for promptly taking care of this matter.

Regards,

Travis Larsen  
Assistant General Counsel  
[tlarsen@balchem.com](mailto:tlarsen@balchem.com)  
(801) 820-1117

Invoice

<b>Date</b>	<b>Invoice #</b>
06-Sep-2023	INV0005173
<b>Due Date</b>	<b>Order #</b>
06-Oct-2023	S500005554

136 Fox Run Drive  
 Defiance, OH 43512 USA  
 Phone: 419-782-5010

**Remit to Lockbox:**  
 SensoryEffects Cereal Systems  
 PO Box 21813  
 New York, NY 10087-1813 USA

**Wire / ACH instructions**  
 JPMorgan Chase Bank N.A.  
 ABA: 021000021/021000021  
 Account: SensoryEffects Cereal Systems  
**Redacted**  
 SWIFT #: CHASUS33

**SOLD TO**  
 Caer, Inc DBA Yumi  
 1439 N. Highland Ave PMB 1013  
 Los Angeles, CA 90028 USA

**SHIP TO**  
 Create A Pack  
 N57 W39605 WI-16  
 Door E  
 Oconomowoc, WI 53066 USA

Telephone:

<b>P.O.</b>	<b>Order date</b>	<b>Date shipped</b>	
1721-3	31-Aug-2023	06-Sep-2023	
<b>Payment terms</b>	<b>Customer no.</b>	<b>Incoterms/Delivery Terms</b>	
Net 30 Days	C500000045	EXW COL	
<b>Sales person</b>	<b>Packing slip #</b>	<b>Carrier</b>	<b>Ship from</b>
Mary Snyder	PPS0005787	Cust Truck	Lincoln, NE, USA

Units	Package	Item Number Product Description Customer Stock Code	Quantity Ordered	Quantity Shipped	Unit Price		Amount
10,720.00	lb	80945F Yumi Organic Rice-Free Puffs Apple & Broccoli	10,720.00	10,720.00	8.4700		90,798.40

**Charges**

Description	Notes	Amount
<b>Total Charges</b>		
	<b>USD</b>	<b>0.00</b>
<b>Total Invoice Amount</b>	<b>USD</b>	<b>90,798.40</b>

**NOTES:**

<b>Date</b>	<b>Invoice #</b>
05-Sep-2023	INV0005170
<b>Due Date</b>	<b>Order #</b>
05-Oct-2023	S500005524

136 Fox Run Drive  
 Defiance, OH 43512 USA  
 Phone: 419-782-5010

**Remit to Lockbox:**  
 SensoryEffects Cereal Systems  
 PO Box 21813  
 New York, NY 10087-1813 USA

**Wire / ACH instructions**  
 JPMorgan Chase Bank N.A.  
 ABA: 021000021/021000021  
 Account: SensoryEffects Cereal Systems  
**Redacted**  
 SWIFT #: CHASUS33

**SOLD TO**  
 Caer, Inc DBA Yumi  
 1439 N. Highland Ave PMB 1013  
 Los Angeles, CA 90028 USA

**SHIP TO**  
 Create A Pack  
 N57 W39605 WI-16  
 Door E  
 Oconomowoc, WI 53066 USA

Telephone:

<b>P.O.</b>	<b>Order date</b>	<b>Date shipped</b>	
1721-2	22-Aug-2023	05-Sep-2023	
<b>Payment terms</b>	<b>Customer no.</b>	<b>Incoterms/Delivery Terms</b>	
Net 30 Days	C500000045	EXW COL	
<b>Sales person</b>	<b>Packing slip #</b>	<b>Carrier</b>	<b>Ship from</b>
Mary Snyder	PPS0005785	Cust Truck	Lincoln, NE, USA

Units	Package	Item Number Product Description Customer Stock Code	Quantity Ordered	Quantity Shipped	Unit Price		Amount
10,460.00	lb	80943F Yumi Organic Rice-Free Puffs Strawberry Basil	10,460.00	10,460.00	9.9400		103,972.40

**Charges**

Description	Notes	Amount
<b>Total Charges</b>		
	<b>USD</b>	<b>0.00</b>
<b>Total Invoice Amount</b>	<b>USD</b>	<b>103,972.40</b>

**NOTES:**

# EXHIBIT C

1 [David J. Richardson \(SBN 168592\)](#)  
[djrichardson@bakerlaw.com](mailto:djrichardson@bakerlaw.com)  
2 [Nicole C. Cemo \(SBN 307848\)](#)  
[ncemo@bakerlaw.com](mailto:ncemo@bakerlaw.com)  
3 [Michael Patrick Brown \(SBN 328579\)](#)  
[mpbrown@bakerlaw.com](mailto:mpbrown@bakerlaw.com)  
4 **[BAKER & HOSTETLER LLP](#)**  
[11601 Wilshire Boulevard, Suite 1400](#)  
5 [Los Angeles, CA 90025](#)  
[Telephone: 310.820.8800](#)  
6 [Facsimile: 310.820.8859](#)

7 ~~[CAROLINE G. MASSEY \(299691\)](#)~~  
~~[caroline.massey@dinsmore.com](mailto:caroline.massey@dinsmore.com)~~  
8 ~~[VENEETA JASWAL \(320108\)](#)~~  
~~[veneeta.jaswal@dinsmore.com](mailto:veneeta.jaswal@dinsmore.com)~~  
9 ~~[DINSMORE & SHOHL LLP](#)~~  
~~[655 West Broadway, Suite 800](#)~~  
10 ~~[San Diego, CA 92101](#)~~  
~~[Ph: \(619\) 400-0500](#)~~  
11 ~~[Fx: \(619\) 400-0501](#)~~

12 Attorneys for Plaintiff  
SensoryEffects Cereal Systems, Inc.

13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES**  
16

17  
18 SENSORYEFFECTS CEREAL SYSTEMS,  
INC., a Delaware Corporation,

19 Plaintiff,

20 v.

21 CAER, INC. dba YUMI, a Delaware  
22 Corporation, and DOES 1-20;

23 Defendant,

Case No.: 24STCV10282

**AMENDED DECLARATION OF MARIA  
DAKE IN SUPPORT OF PLAINTIFF'S  
MOTION FOR RIGHT TO ATTACH  
ORDER AND ISSUANCE OF WRIT OF  
ATTACHMENT**

Hearing

Date: June 11, 2024  
Time: 9:30 a.m.  
Dept.: 85  
Judge: Hon. James C. Chalfant

1  
2  
3  
4  
5  
6 I, MARIA DAKE, declare as follows:

7 1. I am the Senior Business Director with SensoryEffects Cereal Systems, Inc. and am  
8 authorized to make this declaration for and on SensoryEffects Cereal Systems, Inc.'s behalf. I have  
9 personal knowledge of the matters stated herein and if called as a witness, I could and would  
10 competently testify thereto.

11 2. In my professional capacity as the Senior Business Director with SensoryEffects  
12 Cereal Systems, Inc. ("SENSORYEFFECTS"), I have access to, custody and control over  
13 SENSORYEFFECTS' business records pertaining to its transactions with Caer, Inc. dba Yumi  
14 ("YUMI"). I am familiar with the method by which SENSORYEFFECTS maintains those books  
15 and records, and know that those records were made in the regular course of SENSORYEFFECTS'  
16 business from writings or data entries made at or near the time the events recorded by persons with  
17 personal knowledge of the vents and with a business duty to SENSORYEFFECTS to accurately  
18 record those events. Thus, the statements made in this Declaration are made upon my personal  
19 knowledge and review of SENSORYEFFECTS' business records pertaining to transactions  
20 between SENSORYEFFECTS and YUMI.

21 3. On or around February 14, 2023, YUMI placed a purchase order with  
22 SENSORYEFFECTS for 20,000 pounds of strawberry basil rice-free puffs, 20,000 pounds of apple  
23 and broccoli rice-free puffs, and 10,000 pounds of berry and sweet pea rice-free puffs.  
24 SENSORYEFFECTS accepted YUMI's purchase order. Attached hereto as **Exhibit A** is a true and  
25 correct copy of YUMI's February 14, 2023 purchase order.

26 4. On or around July 27, 2023, YUMI submitted a revised purchase order whereby  
27 YUMI requested production of 10,800 pounds of each flavor of rice-free puffs (strawberry basil;  
28 apple and broccoli; and berry and sweet pea). YUMI further requested the extra 10,000 pounds of

1 the strawberry basil and apple broccoli flavors included in the original February 14, 2023 purchase  
2 order be manufactured approximately eight (8) weeks later. Attached hereto as **Exhibit B** is a true  
3 and correct copy of YUMI's revised purchase order.

4 5. On or around September 5, 2023, SENSORYEFFECTS shipped 10,460 pounds of  
5 organic strawberry basil rice-free puffs per YUMI's request and shipping instructions. The same  
6 day, SENSORYEFFECTS issued invoice number 5170 to YUMI in the amount of \$103,972.40 for  
7 the strawberry basil rice-free puffs manufactured and shipped. Per the terms of the invoice number  
8 5170, YUMI was to remit payment on or before October 5, 2023. However, to date, YUMI has  
9 failed to make any effort to pay invoice number 5170. Attached hereto as **Exhibit C** is a true and  
10 correct copy of invoice number 5170.

11 6. On or around September 6, 2023, SENSORYEFFECTS shipped 10,720 pounds of  
12 organic apple and broccoli rice-free puffs per YUMI's request and shipping instructions. The same  
13 day, SENSORYEFFECTS issued invoice number 5173 to YUMI in the amount of \$90,798.40 for  
14 the apple and broccoli rice-free puffs manufactured and shipped. Per the terms of invoice 5173,  
15 YUMI was to remit payment on or before October 6, 2023. However, to date, YUMI has failed to  
16 make any effort to pay invoice number 5173. Attached hereto as **Exhibit D** is a true and correct  
17 copy of invoice number 5173.

18 7. When YUMI failed to timely pay invoice numbers 5170 and 5173 as requested in  
19 each respective invoice, SENSORYEFFECTS sent via e-mail requests for YUMI to bring their  
20 account current by paying the outstanding amounts owed on invoice numbers 5170 and 5173.  
21 ~~However, YUMI failed to respond to SENSORYEFFECTS' emails.~~ Attached hereto as **Exhibit E**  
22 is a true and correct copy of the e-mail chain between YUMI and SENSORYEFFECTS.

23 8. Thereafter, SENSORYEFFECTS sent a formal demand letter on March 1, 2024  
24 demanding YUMI to pay the outstanding invoices in full, which total \$194,770.80, no later than  
25 March 6, 2024. Attached hereto as **Exhibit F** is a true and correct copy of the March 1, 2024  
26 demand letter.

9. On March 12, 2024, YUMI sent an e-mail acknowledging receipt of the March 1, 2024 demand letter. Additionally, YUMI acknowledged it owed SENSORYEFFECTS the demanded amount and did not contest the demanded amount. See, Exhibit D.

10. After the March 12, 2024 e-mail, I am informed and believe YUMI did not send any further correspondence to SENSORYEFFECTS regarding the amount owed. Furthermore, YUMI has failed to pay any portion of the amount owed to SENSORYEFFECTS.

11. YUMI's obligations under invoice numbers 5170 and 5173 are not secured by any interest in real property.

12. I am informed and believe that YUMI has proceeds of a JPMorgan Chase bank account subject to attachment or levy.

13. YUMI's debt obligation to SENSORYEFFECTS for the two unpaid invoices in the amount of \$194,770.80 was expressly acknowledged by YUMI and, to my knowledge, has never been subsequently been disputed, whether orally or in writing.

14. I am not aware of any bankruptcy claims filed by YUM!

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 22~~May 24~~, 2024 at Monroe County, Illinois.

MARIA DAKE



**PROOF OF SERVICE**

I, Nancy L. Brazil, declare:

I am employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1900 Avenue of the Stars, Suite 2700, Los Angeles, CA 90067-4301. On May 24, 2024, I served a copy of the within document(s):

**PLAINTIFF'S NOTICE OF ERRATA RE:  
(1) APPLICATION FOR RIGHT TO ATTACH ORDER & ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT; AND (2) AMENDED DECLARATION OF MARIA DAKE IN SUPPORT OF PLAINTIFF'S MOTION FOR RIGHT TO ATTACH ORDER AND ISSUANCE OF WRIT OF ATTACHMENT**



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

Caer, Inc.  
c/o Incorporating Services, Ltd.  
3500 South Dupont Highway  
Dover, DE 19901

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 24, 2024, at Los Angeles, California.

